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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,857	04/26/2001	J. J. Garcia-Luna-Aceves	5543P005	1350

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EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
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2154

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/844,857

Applicant(s)

GARCIA-LUNA-ACEVES

Examiner

Mohammad A. Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-17 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-17 and 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/27/2006, 04/12/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 15-17 and 20-23 have been presented for examination. Claims 20-23 are new.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/10/2006 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15-17 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCanne et al. (6,785,704) (hereinafter McCanne) in view of Welch et al. (6,735,633) (hereinafter Welch).

5. As per claim 15, McCanne discloses a method, comprising receiving a request for content (col 6, line 30) having associated therewith an information object identified by a uniform resource locator including a redirector address mapping (since URL is produced by content provider, it must be identifying content, col 13, lines 17-26), using a lookup table (managing URL name associated space, col 13, lines 35-37; col 15, lines 15-30), the URL of the information object to a corresponding unicast address with an originating source for the information object (col 15, lines 1-9); and using the unicast address as an anycast address (any cast address is single unicast address shared by multiple entities, col 15, lines 1-9) so as to obtain the information object from a nearest information object repository identified by a redirector identified by the redirector address (col 15, lines 1-9); wherein the nearest information object repository is selected according to specified performance metrics (col 10, lines 56-67; col 11 lines 1-8), that comprise average delay from the nearest information object repository to a source of the request, average processing delay at the nearest information object repository (improving response time, reducing bandwidth, and

relaxing load anticipates selection of nearest information object repository is based on recited data elements , col 9, lines 40-67; col 15, lines 1-33), reliability of a path from the nearest information object repository, available bandwidth in said path, and loads on the nearest information object repository (improving response time, reducing bandwidth, and relaxing load anticipates selection of nearest information object repository is based on recited data elements , col 9, lines 40-67; col 15, lines 1-33); monitoring an established connection (CDSR redirectors monitors the path and load, col 27, lines 1-14) between a destination of the request (col 13, lines 4-16) and the nearest information object repository servicing the request (col 10, lines 56-67).

McCanne specifically does not disclose adjusting the established connection if network conditions of the established connection degrade by replacing the nearest information object repository with a different information object repository. However, Welch discloses adjusting the established connection if network conditions of the established connection degrade by replacing the nearest information object repository with a different information object repository (Fig's. 1-2, col 1, lines 50-59, col 2, lines 26-33; col 10, lines 31-57, col 14, lines 1-13, dynamic bandwidth re-allocation). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Welch and

McCanne. The motivation would have been developing a Content Distribution Service Network, which can dynamically allocate bandwidth and honor service level agreement.

6. As per claim 16, the claim is rejected for the same reasons as claim 15 above. In addition, McCanne discloses directing the request to the nearest information object repository without regard (packet is routed to nearest device with in the content back bone, there is checking involved, col 15, lines 33-43) as to whether the information object is actually stored at the nearest information object repository (packet is routed to nearest device with in the content back bone, there is checking involved, col 15, lines 5-8; lines 33-43).

7. As per claim 17, the claim is rejected for the same reasons as claim 15 above. In addition, McCanne discloses instructing the nearest information object repository to obtain a copy of the information object (packet is routed from one device to another device as it shown in fig 9; packet is routed to nearest device with in the content back bone, there is checking involved, col 15, lines 33-61).

8. As per claim 20, the claim is rejected for the same reasons as claim 15 above. In addition, Welch discloses monitoring the established connection occurs constantly (col 2, lines 26-33).

9. As per claim 21, the claim is rejected for the same reasons as claim 15 above. In addition, Welch discloses wherein monitoring the established connection occurs periodically (col 10, lines 30-51).

10. As per claim 22, the claim is rejected for the same reasons as claim 15 above. In addition, Welch discloses adjusting the established connection occurs constantly (fig 12,col 14, lines 35-64).

11. As per claim 23, the claim is rejected for the same reasons as claim 15 above. In addition, Welch discloses adjusting the established connection occurs periodically (1100, fig 13, col 14, lines 55-65).

Response to Arguments

12. Applicant's arguments with respect to claim 15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,327,252 teaches automatic link establishment

U.S. Patent 6,687,731 teaches load sharing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions or access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

~~NATHAN J. FLYNN
SUPERVISORY/PATENT EXAMINER
TECHNOLOGY CENTER 2800~~

MAS